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September 18, 2018

VIA ECF & FEDERAL EXPRESS

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004-1408

Re: *In re: Bernard L. Madoff*, Adv. Pro. No. 08-01789 (SMB)

Dear Judge Bernstein:

We write on behalf of the Defendants represented by Chaitman LLP (the “Chaitman Defendants”) in relation to the Order to Show Cause signed on September 7, 2018 why the October 4, 2016 Order Appointing a Discovery Arbitrator Pursuant To Bankruptcy Rule 9019(c) and General Order M-390 Should Not Be Amended (the “Order”). *See* ECF No. 17958.

The Chaitman Defendants object to any retroactive amendment of the Order. Judge Maas is in possession of documents that he will need in order to adjudicate matters that have not yet been resolved even though the time to appeal certain orders entered by Judge Maas has already passed.

Specifically, Judge Maas is in possession of numerous documents relating to the Chaitman Defendants’ discovery dispute with the Trustee regarding the production of trading records, and those documents should be retained because the dispute is not resolved. Thus, the Chaitman Defendants respectfully request that the Order be amended only prospectively so that Judge Maas retains copies of those documents relating to the pending discovery dispute concerning the Trustee’s production of trading records. We point out that many of the documents in Judge Maas’ possession are electronic and, therefore, it cannot be burdensome for him to retain them.

Respectfully submitted,

/s/ Helen Davis Chaitman

Helen Davis Chaitman

HDC:leb

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The Honorable Stuart M. Bernstein, U.S.B.J.

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